

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

RONALD BEASLEY, )  
 )  
 Plaintiff, )  
 )  
 v. ) CIVIL ACTION  
 )  
 SAM'S EAST, INC. d/b/a SAM'S CLUB )  
 )  
 Defendants. )

## **NOTICE OF REMOVAL**

Defendant Sam's East Inc. d/b/a Sam's Club petitions for removal of the action herein from the State Court of Chatham County to the United States District Court for the Southern District of Georgia, Savannah Division and respectfully shows the Court the following:

1.

Plaintiff filed the above-styled civil action in the State Court of Chatham County, Civil Action File No. STCV21-01775 on September 15, 2021.

2.

Plaintiff's Complaint alleges that Plaintiff Ronald Beasley was injured at the Sam's Club when he slipped on what is believed to be another customers beverage and fell. (Exhibit "A").

3.

Plaintiff filed suit in Chatham County, Georgia, based on the location of the accident. (Exhibit “A”, Plaintiff’s Complaint).

4.

Defendant removes this case as this Court has diversity jurisdiction over this action under 28 U.S.C. § 1332, which requires (a) complete diversity of citizenship between the parties and (b) an amount in controversy exceeding \$75,000.

5.

The parties are citizens of different states. Plaintiff is a Georgia citizen. (See Exhibit “A” Plaintiff’s Complaint, 1.) Defendant Sam’s Club East is a corporation formed under the laws of the State of Delaware. (See Exhibit “B”: Certificate of Authority to Transact Business). Consequently, complete diversity of citizenship exists between the parties. *See* 28 U.S.C. § 1332(a)(1).

6.

Plaintiff’s Complaint does not state the amount of damages sought. The *ad damnum* clause on page 3 of the Complaint shows that Plaintiff ask to recover an amount sufficient to compensate him for past, present, and future medical expenses, but does not identify the amount of damages claimed. (Exhibit “A” Complaint, p. 3).

7.

The *ad damnum* clause in Plaintiffs' Complaint also shows that Plaintiff seeks attorneys' fees and all cost of litigation against Defendant.

8.

28 U.S.C.A. § 1446 provides "if the case stated by the initial pleading is not removable, a notice of removal may be filed within 30 days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable." In determining amount in controversy, "[t]he definition of 'other paper' is broad and may include any formal or informal communication received by a defendant." *Lambertson v. Go Fit, LLC*, 918 F. Supp. 2d 1283, 1285 (S.D. Fla. 2013).

9.

On October 19, 2021, Defendant forwarded a Damages Stipulation to Plaintiff asking Plaintiff to stipulate that his damages were less than \$75,000. In response, on October 20, 2021, Plaintiff sent an email to counsel for Defendant informing Defendant that Plaintiff's damages exceeded \$75,000. (See Exhibit "C"). Consequently, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332 (a), 1441, and 1446 because (a) complete diversity exists between

the parties to this action and (b) the amount in controversy is in excess of \$75,000.00.

10.

By service of a copy of this Notice of Removal as evidenced by the Certificate of Service attached, Defendant gives notice of such removal to Plaintiff as required by 28 U.S.C. § 1446.

11.

A true and correct copy of this Notice of Removal will be filed with the Clerk of State Court of Chatham County, Georgia as required by 28 U.S.C. §1446(d). (Exhibit “D”).

**Wherefore**, Defendant prays that the above-styled lawsuit be removed to the United States District Court for the Southern District of Georgia, Savannah Division, that this Court take cognizance and jurisdiction over this claim from the State Court of Chatham County, Georgia, and that this action shall proceed as removed and under this Court’s jurisdiction under 28 U.S.C. § 1332.

Respectfully submitted, this 18<sup>th</sup> day of November, 2021.

**DREW, ECKL & FARNHAM, LLP**

/s/ Garret W. Meader

Garret W. Meader

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing *Notice of Removal* upon all parties to this matter by filing with the Court's CM/ECF system, which will automatically e-mail notification of same and by US Mail to the following counsel of record:

Andrew A. Zemany  
Tate Law Group LLC  
25 Bull Street, 2<sup>nd</sup> floor  
Savannah, GA 31401

This 18<sup>th</sup> day of November, 2021.

**DREW, ECKL & FARNHAM, LLP**

/s/ Garret W. Meader

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